

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THAL FLAM WENDROW, JULIAN WENDROW and
THAL FLAM WENDROW, as Conservator to I.W. and
A.W., Minors,

Plaintiffs,

-vs-

MICHIGAN DEPARTMENT OF HUMAN SERVICES,
ISMAEL AHMED, KRISTE SMITH, KATHERINE
CLAUSELL, REBECCA ROBYDEK, OAKLAND
COUNTY, a Michigan County, OAKLAND COUNTY
SHERIFF'S DEPARTMENT, MICHAEL BOUCHARD,
ERIC OVERALL, DAVID GORCYCA, DEBORAH
CARLEY, ANDREA DEAN; WEST BLOOMFIELD
TOWNSHIP, a Michigan Municipal Corporation, WEST
BLOOMFIELD TOWNSHIP POLICE DEPARTMENT,
RONALD D. CRONIN, CARL FUHS, JOSEPH
BROUSSEAU, TARA KANE, OFFICER WARDIA,
DANIEL O'MALLEY, CITY OF WALLED LAKE,
WALLED LAKE CONSOLIDATED SCHOOL DISTRICT,
WILLIAM HAMILTON, SHERYL BROWN, NATALIE
MILLER, CYNTHIA SCARSELLA, VERONICA BURKE;
all individuals sued in official and personal capacity; all
Defendants sued jointly and severally;

Defendants.

Case No. 08-CV-14324
HON. John Corbett O'Meara,
Mag. Judge Donald A. Scheer

**ORDER APPROVING
SETTLEMENT AND
SETTLEMENT
ALLOCATION AS TO
MINOR PLAINTIFFS
A.W. & I.W.**

DEBORAH L. GORDON, PLC
Deborah L. Gordon (P27058)
Sarah S. Prescott (P70510)
Attorneys for Plaintiffs
33 Bloomfield Hills Parkway, Suite 275
Bloomfield Hills, MI 48304
(248) 258-2500 / Fax (248) 258-7881
dgordon@deborahgordonlaw.com
sprescott@deborahgordonlaw.com

BENDURE & THOMAS
Marc E. Thomas P25628
Co-Counsel for Thal Flam Wendrow, as Conservator
to I.W. and A.W., only
30700 Telegraph Road, Suite 3475
Bingham Farms, MI 48025-4571
(248) 646-5255 / Fax (248) 646-1684
marc@bendurethomaslaw.com

STEVEN M. POTTER, P.C.
Steven M. Potter (P33344)
Rick J. Patterson (P57706)
Attorneys for Oakland County, Overall, Gorcyca,
Carley & Dean
2701 Cambridge Court, Suite 223
Auburn Hills, MI 48326
(248) 377-1700 / Fax (248) 377-0051
spotter@potterlaw.com
rjpatterson@potterlaw.com

OAKLAND COUNTY CORP COUNSEL
Keith J. Lerminiaux (P30190)
Co-Counsel for Oakland County, Overall,
Gorcyca, Carley & Dean
1200 N. Telegraph Road, Bldg. 14E
Lansing, MI 48909
(248) 858-0557 / Fax (248) 858-1003
lerminiauxk@oakgov.com

SECREST WARDLE
William P. Hampton (P14591)
Bruce A. Truex (P26035)
Gary L. Dovre (P27684)
Shannon K. Ozga (P59093)
Kristin Bricker Kolb (P59496)
Attorneys for West Bloomfield Township,
West Bloomfield Police Dept., Cronin, Fuhs,
Brousseau, Kane and O'Malley
30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
(248) 851-9500 / Fax 248-851-2158
btruex@secrestwardle.com
gdovre@secrestwardle.com
sozga@secrestwardle.com
kkolb@secrestwardle.com
whampton@secrestwardle.com

OFFICE MICH. ATTORNEY GENERAL
Margaret A. Nelson (P30342)
Attorneys for MDHS, Ahmed & Robydek
P.O. Box 30736
Lansing, MI 48909
(517) 373-6434 / Fax (517) 373-2454
nelsonma@michigan.gov

LUSK & ALBERTSON, PLLC
Robert A. Lusk (P38122)
Kevin T. Sutton (P65364)
Attorneys for Walled Lake Consolidated
School District, Hamilton, Brown, Miller,
Scarsella & Burke
40950 Woodward Ave., Ste. 350
Bloomfield Hills, MI 4830-45129
(248) 258-2850 / Fax (248) 258-2851
ksutton@luskalbertson.com
rlusk@luskalbertson.com

**ORDER APPROVING SETTLEMENT AND SETTLEMENT
ALLOCATION AS TO MINOR PLAINTIFFS A.W. & I.W.**

This matter having come on for hearing on January 6, 2011, pursuant to Plaintiffs' Motion To Approve Settlement, and counsel for Plaintiffs, Plaintiffs themselves, counsel for the "Settling Defendants,"¹ and the Court-appointed Guardian Ad Litem, "GAL," Gregory J. Roth all being present in open court, and the Court having reviewed the GAL's original report and recommendation, which was submitted on January 4, 2011, but unfiled, and the GAL having subsequently submitted an amended report as to typographical errors and the removal of certain language in parentheticals in paragraphs 1 and 2, page 11, of the original report (a copy of the

1. These Settling Defendants are West Bloomfield Township, West Bloomfield Police Department, Ronald D. Cronin, Carl Fuhs, Joseph Brusseau, Tara Kane, and Daniel O'Malley, all collectively referred to in this Order as "Settling Defendants."

GAL's amended report is attached hereto and made part of this record as Exhibit 1), and the Plaintiffs' clarifying that A.W. does not now and has not received Social Security and Medicare benefits that could become a lien on the settlement funds, all the foregoing being set forth on the record on January 6, 2011, and the GAL having approved the settlement and the settlement allocation to the minors for whom Plaintiff Thal Flam Wendrow is the Conservator, having been duly appointed by the Oakland County Probate Court Judge, and for the reasons stated on the record in open court on January 6, 2011, and this Court being otherwise fully informed in the premises,

IT IS NOW THEREFORE ORDERED that:

1. The settlement and settlement allocation from the full Settlement Amount for the minor children shall be as follows: (a) for A.W., the allocated sum of \$50,000.00; and (b) for I.W., the allocated sum of \$250,000.00, all as set forth on page 11 of the amended GAL report, a copy of which is attached hereto and made part of the record as Exhibit 1, with full and complete adoption of the recommendations set forth therein, and the same is hereby APPROVED and found to be fair, reasonable, and in the best interests of A.W. and I.W., the minors; and

2. This settlement and the settlement allocations as well as any agreement or release entered into by the Plaintiffs and the Settling Defendants shall be effective and inure only to the benefit of the Plaintiffs and the Settling Defendants, only, and no other parties to this action or third persons; and

3. Upon the determination by the Oakland County Probate Court of a bond for the Conservator and any other matters as provided by Michigan law, this Court will finalize the settlement and dismiss the Settling Defendants by proper order to be submitted by the parties to the settlement;

IT IS SO ORDERED.

Date: January 12, 2011

s/John Corbett O'Meara
United States District Judge

APPROVED:

DEBORAH L. GORDON, PLC

By: /s/Deborah L. Gordon
Deborah L. Gordon (P27058)
Sarah S. Prescott (P70510)
Attorneys for Plaintiffs
33 Bloomfield Hills Parkway
Suite 275
Bloomfield Hills, MI 48304
(248) 258-2500 / Fax (248) 258-7881
dgordon@deborahgordonlaw.com

SECREST WARDLE

By: /s/Kristin Bricker Kolb
Kristin Bricker Kolb (P59496)
Attorneys for West Bloomfield
Township, West Bloomfield Police
Dept., Cronin, Fuhs, Brousseau, Kane
and O'Malley
30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
248-851-9500 / Fax 248-851-2158
kkolb@secrestwardle.com

BENDURE & THOMAS

By: /s/Marc E. Thomas
Marc E. Thomas (P25628)
Co-Counsel for Plaintiff Thal Flam
Wendrow as Conservator to I.W. &
A.W. only
30700 Telegraph Road, Suite 3475
Bingham Farms, MI 48025-4571
(248) 646-5255/FAX (248) 646-1684
marc@bendurethomaslaw.com

GREGORY J. ROTH, PLLC

By: /s/Gregory J. Roth
Gregory J. Roth (P57677)
Guardian Ad Litem for I.W. & A.W.,
Minors
42705 Grand River Avenue, Suite 201
Novi, Michigan 48375
(248) 344-4772